

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAENEAN LIGON, *et al.*, individually and on behalf of a class of all others similarly situated;

Plaintiffs,

- against -

12 Civ. 2274 (AT)

THE CITY OF NEW YORK, *et al.*;

Defendants.

DECLARATION OF MARIANA KOVEL CERTIFYING NOTICE OF PROPOSED SETTLEMENT TO CLASS MEMBERS

MARIANA KOVEL, a member of the Bar of New York and a member of the bar of this Court, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

1. I am a staff attorney at the New York Civil Liberties Union (“NYCLU”) and have served as counsel to the plaintiffs in this putative class action since the date it was filed. I submit this declaration pursuant to the Court’s order dated February 15, 2017, ECF 272 (and the extension that was granted by the Court on April 3, 2017, ECF 280), to certify that notice of our proposed settlement has been provided to the class members.

2. On April 13, 2017, staff at the New York Civil Liberties Union mailed over 750 letters to landlords and managing agents of TAP buildings. We received the names of the landlords and managing agents from the New York Police Department (“NYPD”), which maintains lists of all enrolled TAP buildings in each precinct. During the week of April 24, the City of New York emailed the same letter to a subset of landlords for whom the NYPD only had email addresses. Most agents manage multiple TAP buildings, so there are far fewer landlords and agents than there are individual buildings; it is my understanding that this is more or less the complete list of

landlords and managing agents. The mailed letters were on NYPD letterhead, included a copy of the court-ordered Class Notice, and instructed the managing agents to post the Notice in the lobby of every TAP building they had enrolled with the program.

3. On April 21, 2017, Plaintiffs' contractor, Settlement Services Inc., mailed more than 143,000 postcards to individual apartment addresses that they had extracted from the TAP building database.

4. In addition to these mailings, a small advertisement was placed in each of the below local newspapers¹ on the designated date:

- a. AmNew York: April 12, 2017
- b. Amsterdam News: April 13, 2017
- c. Bronx Times Reporter/Bronx Times: April 14, 2017
- d. El Correo de Queens: April 11, 2017
- e. El Diario la Prensa: April 14, 2017
- f. El Especialito – Brooklyn: April 14, 2017
- g. El Especialito – Washington Heights: April 14, 2017
- h. Queens Courier: April 13, 2017
- i. Staten Island Advance: April 11, 2017

5. An advertisement has been purchased from DNAInfo.com to be run on that site on April 28, 2017. Another advertisement will be running on Facebook, targeted at users in the zip codes with the highest concentration of TAP buildings, on May 1 or 2, 2017.

¹ The Court's February 15, 2017 order directed the parties to place advertisements in ten local newspapers. The newspaper we originally selected as our tenth newspaper, Sing Tao Daily, declined to publish the advertisement in English. The new selection for our tenth paper, El Especialito – Bronx, will run our advertisement in early May.

6. All of the postcards as well as the above advertisements direct the reader to our settlement website, www.nyclu.org/cleanhalls, which contains the full text of the Class Notice as well as the proposed Stipulation of Settlement with all attachments.

7. Finally, besides the above court-ordered notice efforts, we have sent the Class Notice to the following nonprofits serving communities affected by policing inside TAP buildings, to be posted in their reception areas:

- a. Legal Aid Society (All boroughs)
- b. CASES: Alternative to Incarceration Program (All boroughs)
- c. Getting Out and Staying Out: Re-Entry/Diversion Program (Harlem)
- d. Brooklyn Defender Services (Brooklyn)
- e. Fortune Society Alternative to Incarceration Program (Queens)
- f. Neighborhood Defender Services (Harlem)
- g. New York County Defender Services (Lower Manhattan)

8. The parties agree that the above-described notice meets the standards required by Federal Rule of Civil Procedure 23(c)(2)(A) and, consequently, that we are on target to proceed to the Fairness Hearing that is scheduled before your honor on June 6, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

/s/
MARIANA KOVEL
NEW YORK CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 19th Floor
New York, N.Y. 10004
(212) 607-3300
mkovel@nyclu.org

Dated: April 28, 2017
New York, N.Y.